

DAC  
ZEW

PTO/SB/64 (07-05)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
FRESH-1

First named inventor: Steven D. Kaminsky

Application No.: 10/700,160

Art Unit: 3732

Filed: 11/03/2003

Examiner: unknown

Title: METHOD AND APPARATUS FOR AUTOMATICALLY PROVIDING DENTAL PATIENTS WITH A FRESH TOOTHBRUSH IN A  
TIMELY MANNER

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

- A. The reply and/or fee to the above-noted Office action in  
the form of RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS - FILING DATE GRANTED (identify type of reply):

has been filed previously on \_\_\_\_\_.  
 is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.  
 has been paid previously on \_\_\_\_\_.  
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

08/15/2005 TBESHAI 00000015 10700160  
750.00-0B  
01 FG:2453

## 3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

*Mark J. Pandiscio* 8/9/05

Signature

08/09/2005

Date

Mark J. Pandiscio

Typed or printed name

30,883

Registration Number, if applicable

470 Totten Pond Road

Address

781-290-0060

Telephone Number

Waltham, MA 02451

Address

Enclosures:  Fee Payment \$750.00

Reply (RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS - FILING DATE GRANTED)

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other: \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

08/09/2005

Date

*Margaret M. Slezak*

Signature

Margaret M. Slezak

Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: Steven D. Kaminsky  
Serial No.: 10/700,160  
Filing Date: 11/03/2003  
Title: METHOD AND APPARATUS FOR AUTOMATICALLY PROVIDING DENTAL PATIENTS WITH A FRESH TOOTHBRUSH IN A TIMELY MANNER  
Group Art Unit: 3732  
Examiner: unknown  
Attorney's Docket No.: FRESH-1

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

ASSOCIATE POWER OF ATTORNEY

Please recognize as Associate Attorney in the above-identified patent application, with full power to prosecute said patent application, to make alterations and amendments therein, and to transact all business in the Patent and Trademark Office connected therewith:

Margaret M. Slezak

Registration No. 55,625

who may be contacted at:

Pandiscio & Pandiscio, P.C.  
470 Totten Pond Road  
Waltham, MA 02451-1914  
(781) 290-0060 (voice)  
(781) 290-4840 (facsimile)

Thank you.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450, ON:

August 9, 2005

(DATE OF DEPOSIT)

Mark J. Pandiscio

(NAME OF ATTORNEY)

Mark J. Pandiscio 8/9/05

(SIGNATURE)

August 9, 2005

(DATE OF SIGNATURE)

DP2/ FRESH1.APA

Respectfully submitted,

*Mark J. Pandiscio 8/9/05*

Mark J. Pandiscio  
Registration No. 30,883  
Pandiscio & Pandiscio, P.C.  
470 Totten Pond Road  
Waltham, MA 02451-1914  
Tel. (781) 290-0060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application No.:  
Serial No.:  
Filing Date:  
Title:



Steven D. Kaminsky  
10/700,160  
11/03/2003  
METHOD AND APPARATUS FOR AUTOMATICALLY  
PROVIDING DENTAL PATIENTS WITH A FRESH  
TOOTHBRUSH IN A TIMELY MANNER  
3732  
unknown  
Attorney's Docket No.: FRESH-1

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

FILING OF PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

The enclosed PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b), including a RESPONSE TO NOTICE TO FILE CORRECTED APPICATION PAPERS - FILING DATE GRANTED, is being filed herewith.

A check in the amount of \$750.00 is enclosed to cover the cost of the petition fee. This petition fee has been calculated on the basis of Small Entity status.

In the event that any additional fees may be required to be paid in connection with this matter, please charge the same, or credit any overpayment, to Deposit Account No. 16-0221.

Thank you.

Respectfully submitted,

 8/9/2005

Margaret M. Slezak, Esq.  
Registration No. 55,625  
Pandiscio & Pandiscio, P.C.  
470 Totten Pond Road  
Waltham, MA 02451-1914  
Tel. No. (781) 290-0060



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Steven D. Kaminsky  
Serial No.: 10/700,160  
Filing Date: 11/03/2003  
Title: METHOD AND APPARATUS FOR AUTOMATICALLY PROVIDING DENTAL PATIENTS WITH A FRESH TOOTHBRUSH IN A TIMELY MANNER  
Group Art Unit: 3732  
Examiner: unknown  
Attorney's Docket No.: FRESH-1

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450, ON:

August 9, 2005

(DATE OF DEPOSIT)

Margaret M. Slezak

(NAME OF ATTORNEY)

  
(SIGNATURE)

August 9, 2005

Sir:

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS - FILING

DATE GRANTED

In response to the NOTICE TO FILE CORRECTED APPLICATION PAPERS - FILING DATE GRANTED mailed February 10, 2004, Applicant hereby respectfully submits the following:

(1) a PRELIMINARY AMENDMENT;

(2) a substitute DRAWING for the application, in compliance with 37 CFR 1.84 and 37 CFR 1.121;

FRESH-1

(3) an APPENDIX for the application, in compliance with 37 CFR 1.121; and

(4) a duplicate copy of the NOTICE TO FILE CORRECTED APPLICATION PAPERS - FILING DATE GRANTED, as requested in the Notice.

In the event that any additional fees may be required to be paid in connection with this submission, please charge the same, or credit any overpayment, to Deposit Account No. 16-0221.

A duplicate copy of this RESPONSE TO OUSTANDING NOTICE TO FILE CORRECTED APPLICATION PAPERS - FILING DATE GRANTED is enclosed for the convenience of the Patent and Trademark Office.

Thank you.

Respectfully submitted,

 8/9/2005

Margaret M. Slezak, Esq.  
Registration No. 55,625  
Pandiscio & Pandiscio, P.C.  
470 Totten Pond Road  
Waltham, MA 02451-1914  
Tel. No. (781) 290-0060



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Steven D. Kaminsky  
Serial No.: 10/700,160  
Filing Date: 11/03/2003  
Title: METHOD AND APPARATUS FOR AUTOMATICALLY  
PROVIDING DENTAL PATIENTS WITH A FRESH  
TOOTHBRUSH IN A TIMELY MANNER  
Group Art Unit: 3732  
Examiner: unknown  
Attorney's Docket No.: FRESH-1

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED  
WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL,  
POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: COMMISSIONER  
FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450, ON:

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

August 9, 2005

(DATE OF DEPOSIT)

Margaret M. Slezak

(NAME OF ATTORNEY)

(SIGNATURE)

August 9, 2005

Sir:

PRELIMINARY AMENDMENT

Please amend the application as follows:

FRESH-1

IN THE SPECIFICATION

On page 15, line 6, please insert the following:

-- Brief Description of the Drawings

Fig. 1 is a flow chart of a preferred embodiment of the present invention. --

On page 15, starting at line 11 of the application as filed please insert the following:

-- The recall program includes general, pedodontic, and periodontal practices. It generally consists of the following steps (See Fig. 1). --

On page 20, starting at line 12 please insert the following paragraph:

-- Addendum

Still other objects and features of the present invention are disclosed in a collection of pages attached and labeled Appendix I (pages 1-15). --

Remarks

Applicant has amended the specification to more accurately represent the present invention at the time of filing. FIG. 1 and APPENDIX I (pages 1-15) were originally submitted with the application at the time of filing, however, they were not labeled.

Accordingly, no new matter is being introduced into the present application by the amendments to the specification and Applicant respectfully requests that the amendments be made to the specification.

In the event that any fees may be required to be paid in connection with this submission, please charge the same, or credit any overpayment, to Deposit Account No. 16-0221.

Thank you.

Respectfully submitted,

 8/9/2005

Margaret M. Slezak, Esq.

Registration No. 55,625

Pandiscio & Pandiscio, P.C.

470 Totten Pond Road

Waltham, MA 02451-1914

Tel. No. (781) 290-0060

EC2/ FRESH1.AMD2

FRESH-1